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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/680,125	10/08/2003	Takeyuki Minamimoto	008312-0306280	4666

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EXAMINER	
SAUNDERS JR, JOSEPH	
ART UNIT	PAPER NUMBER
2615	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	**Application No.** 10/680,125	**Applicant(s)** MINAMIMOTO, TAKEYUKI
	Examiner Joseph Saunders	**Art Unit** 2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 October 2003*.
2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-16* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on *08 October 2003* is/are: a)☐ accepted or b)☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a)☒ All b)☐ Some * c)☐ None of:
1.☒ Certified copies of the priority documents have been received.
2.☐ Certified copies of the priority documents have been received in Application No. _____.
3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This is the initial office action based on the application filed October 8, 2003. Claims 1 – 16 are currently pending and considered below.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "Interface 13" on page 6 is not shown in figure 3, "device 47", "bus 45", and "device 57" mentioned on pages 14 – 16 are not shown in figures 7 and 8. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claims 14, 15, and 16 objected to because of the following informalities: The claims state "the audio device according to claim 13" however claim 13 is directed to "an optical disc device". Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 13 – 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Salmonsen et al. (US 7,178,169 B1), hereinafter Salmonsen.

Claim 13: Salmonsen discloses an optical disc device comprising: a communication section receiving an identification signal from an exterior audio device ("authentication logic 325 receives this authentication from the application 110," Column 5 Lines 31 – 33); and a processing section playing back an optical disc ("disk reader 330 reads the data from the disk 130," Column 5 Line 37) in response to an instruction signal applied from the communication section ("the application as is normal, notifies the drive that it wishes to access the disk," Column 8 Lines 8 – 13) in case of the communication section receiving the identification, and not playing back the optical disc even if it receives the instruction signal in case of the communication section not receiving the identification signal ("unless the authentication logic 325 receives the authentication, no data is read from the disk 130 or passed to application 110," Column 5 Lines 34 – 36).

Claim 14: Salmonsen discloses the audio device according to claim 13, wherein the communication section does not receive the identification signal from devices other than the audio device ("authentication logic 325 receives this authentication from the application 110," Column 5 Lines 31 – 33, and therefore does not receive the identification signal from other devices).

Claim 15: Salmonsen discloses the audio device according to claim 13, wherein the processing section includes an identification section which receives the identification signal from the audio device to recognize that the communicating end is the audio device ("authorization is received trough the application," Column 7 Lines 55 – 57 and Figure 6, and therefore block 650 recognizes the communicating end is the audio device).

Claim 16: Salmonsen discloses the audio device according to claim 13, wherein the processing section determines whether the optical disc is an optical disc subjected to measures for ripping ("at block 620, the process determines whether the disk is a secure disk"), if it determines that the optical disc is the optical disc subjected to measures for ripping, only when receiving the identification signal from the audio device, it plays back the optical disc subjected to measures for ripping in response to an instruction signal from the audio device, when not receiving the identification signal, it does not play back the optical disc subjected to measures for ripping even if it receives the instruction signal (Column 7 Line 17 – Column 8 Line 7 and Figure 6).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1 – 5 and 7 – 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salmonsen et al. (US 7,178,169 B1), hereinafter Salmonsen, in view of Atkinson (US 7,055,049 B2), hereinafter Atkinson.

Claim 1: Salmonsen discloses an audio device (client 100) which has an optical disc device (secure device 120, Column 2 Lines 49 – 59) and an audio section (application 110 and other components as illustrated in Figure 2) in its housing comprising: an audio section outputting an identification signal ("authentication logic 325 receives this authentication from the application 110," Column 5 Lines 31 – 33), receiving an input signal, and outputting an output signal ("At block 785, the data is used by the application, as appropriate. For one embodiment, if the data is music or the like, the application plays the music," Column 9 Lines 10 – 12); and an optical disc device playing back an optical disc ("disk reader 330 reads the data from the disk 130," Column 5 Line 37) in response to an instruction signal from the audio section ("the application as is normal, notifies the drive that it wishes to access the disk," Column 8 Lines 8 – 13) in case of receiving the identification signal from the audio section, and not playing back the optical disc even if receiving the instruction signal in case of not receiving the identification signal ("unless the authentication logic 325 receives the authentication, no data is read from the disk 130 or passed to application 110," Column 5 Lines 34 – 36).

Salmonsen *does not disclose* the audio section amplifying the input signal, however Atkinson discloses a computer with a CD player in which after the audio signal is output from the disc drive the audio section amplifies the signal and outputs it to a speaker (Column 1 Lines 43 – 54). Since Atkinson discloses "a typical example of a computer audio system," it was therefore well known in the art at the time of the invention to include an amplifier before outputting to a speaker. It would have been obvious to one of ordinary skill in the art to include an amplifier as disclosed by Atkinson in the system of Salmonsen to adequately drive the speaker at a desired volume level.

Claim 2: Salmonsen and Atkinson disclose the audio device according to claim 1, and Salmonsen further discloses wherein the optical disc device comprises a receiving section which does not receive the identification signal from devices other than the audio section ("authentication logic 325 receives this authentication from the application

110," Column 5 Lines 31 – 33, and therefore does not receive the identification signal from other devices).

Claim 3: Salmonsen and Atkinson disclose the audio device according to claim 1, and Salmonsen further discloses wherein the optical disc device recognizes that a communicating end is the audio section by receiving the identification signal from the audio section ("authorization is received trough the application," Column 7 Lines 55 – 57 and Figure 6, and therefore block 650 recognizes the communicating end is the audio device).

Claim 4: Salmonsen and Atkinson disclose the audio device according to claim 1, and Salmonsen further discloses wherein the optical disc device determines whether the optical disc is an optical disc subjected to measures for ripping ("at block 620, the process determines whether the disk is a secure disk"), if the optical disc device determines that the optical disc is the optical disc subjected to measures for ripping, only when receiving the identification signal from the audio section, it play back the optical disc subjected to measures for ripping in response to an instruction signal from the audio section, when not receiving the identification signal, it does not play back the optical disc subjected to measures for ripping even if receiving the instruction signal (Column 7 Line 17 – Column 8 Line 7 and Figure 6).

Claim 5: Salmonsen and Atkinson disclose the audio device according to claim 1, and Salmonsen further discloses wherein the optical disc device, when receiving the identification signal from the audio section, turns a flag on, when receiving the instruction signal, confirms that the flag is on and play back the optical disc, and if the flag is off, the optical disc device does not play back the optical disc even if receiving the instruction signal ("At block 650, the process determines whether authorization has been received to pass the data to the application," Column 7 Lines 52 – 53 and Figure 6, and therefore a check takes place to see if an "indication" ("flag") of authorization has been received).

Claim 7: Salmonsen discloses an audio device (client 100) which has an optical disc device (secure device 120, Column 2 Lines 49 – 59) and an audio section (application 110 and other components as illustrated in Figure 2) within its housing comprising: an audio section including an output section which outputs an identification signal for informing that it is the audio section ("authentication logic 325 receives this authentication from the application 110," Column 5 Lines 31 – 33, and therefore the application informs the authentication logic); and an optical disc device including a communication section ("authentication logic 325 receives this authentication from the application 110," Column 5 Lines 31 – 33) which receives the identification signal from the output section of the audio section, and a processing section plays back an optical disc ("disk reader 330 reads the data from the disk 130," Column 5 Line 37) in response to an instruction signal from the audio section ("the application as is normal, notifies the drive that it wishes to access the disk," Column 8 Lines 8 – 13) in case of the communication section receiving the identification signal, does not play back the optical disc even if it receives the instruction signal in case of the communication section not receiving the identification signal ("unless the authentication logic 325 receives the authentication, no data is read from the disk 130 or passed to application 110," Column 5 Lines 34 – 36).

Salmonsen *does not disclose* an amplification section which receives an input signal, amplifies the input signal and outputs the output signal, however Atkinson discloses a computer with a CD player in which after the audio signal is output from the disc drive the audio section amplifies the signal and outputs it to a speaker (Column 1 Lines 43 – 54). Since Atkinson discloses "a typical example of a computer audio system," it was therefore well known in the art at the time of the invention to include an amplifier before outputting to a speaker. It would have been obvious to one of ordinary skill in the art to include an amplifier as disclosed by Atkinson in the system of Salmonsen to adequately drive the speaker at a desired volume level.

Claims 8 – 11: Claims 8 – 11 are substantially similar in scope to claims 2 – 7 and therefore are rejected for the same reasons.

8. Claims 6 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salmonsen et al. (US 7,178,169 B1) and Atkinson (US 7,055,049 B2), in view of Tanabe et al. (US 2001/0008504 A1), hereinafter Tanabe.

Claim 6: Salmonsen and Atkinson disclose audio device according to claim 1, and Salmonsen further discloses wherein it is determined whether an optical disc is subjected to measures for ripping ("at block 620, the process determines whether the disk is a secure disk"), if it is determined that the optical disc subjected to measures for ripping only when the optical disc device receives the identification signal from the audio section it plays back the optical disc subjected to measures for ripping in response to an instruction signal from the audio section, when it does not receive the identification signal, it does not play back the optical disc subjected to measures for ripping even if it receives the instruction signal (Column 7 Line 17 – Column 8 Line 7 and Figure 6).

Salmonsen and Atkinson *do not disclose* wherein the optical disc device determines whether the optical disc is a CD or DVD. Salmonsen does disclose that the various types of disk medium and drives could be used with the invention (Column 2 Lines 49 – 59). Tanabe discloses a playback apparatus for playing back a variety of disk types including CD, DVD, and VCD. Tanabe teaches a control section 101 that determines the type of disc (Paragraph 45). Since Salmonsen discloses that various types of disk medium and drives could be used with the invention, it would have been obvious to one of ordinary skill in the art at the time of the invention to use a drive as disclosed by Tanabe to enable the device of Salmonsen and Atkinson to play multiple types of disks and also include a control section as disclosed by Tanabe to correctly determine the type of disc and correctly read the disc so that the method of securing digital content as disclosed by the invention of Salmonsen and Atkinson can be applicable to a universal drive.

Claim 12: Claim 12 is substantially similar in scope to claim 6 and therefore is rejected for the same reason.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Saunders whose telephone number is (571) 270-1063. The examiner can normally be reached on Monday - Thursday, 9:00 a.m. - 4:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571) 272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JS
March 30, 2007

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SUPERVISORY PATENT EXAMINER